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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 23-cr-00115 CRB
	)	
Plaintiff,	)	<del>PROPOSED</del> DETENTION ORDER
	)	
v.	)	
	)	
CESAR RAMOS,	)	
	)	
Defendant.	)	

On April 18, 2023, defendant Cesar Ramos was charged in a two-count Indictment with distribution and possession with intent to distribute fentanyl, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

This matter came before the Court on February 29, 2024, for a detention hearing. The defendant was present and represented by Hanni M. Fakhoury. Assistant United States Attorney Wendy M. Garbers appeared for the government. The government moved for detention, and the defendant **Pretrial Services recommended detention based on risk of flight.** opposed.<sup>^</sup>At the hearing, counsel submitted proffers and arguments regarding detention.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on the record, the Court finds by a preponderance of evidence that no condition or combination of conditions will reasonably mitigate the risk of non-appearance/flight. Accordingly, the defendant must

1 be detained pending trial in this matter.

2 The present order supplements the Court's findings and order at the detention hearing and serves  
 3 as written findings of fact and a statement of reasons as required by Title 18, United States Code,  
 4 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its  
 5 conclusion: Defendant lacks a viable surety<sup>^</sup> and lacks bail resources or long term  
 6 Defendant does not have strong ties to the community—he  
 7 or blood relatives  
 8 owns no property here, he does not have a spouse<sup>^</sup> who lives here, and his family is in Honduras.  
 9 Defendant lacks any verifiable employment in the community, and his claimed inability to remember the  
 10 name of the bakery and furniture store where he claims to have worked gives the Court doubts.  
 11 Defendant has prior failures to appear in connection with his previous federal prosecution and also lied  
 12 to the Court in that case about his age. Although his sole conviction was ultimately vacated due to his  
 13 status as a minor, defendant has a history of arrests related to narcotics distribution. Accordingly, the  
 14 Court concludes that defendant has not overcome the rebuttable presumption of detention in this matter.  
 15 See 18 U.S.C. § 3142(e)(3)(A).

16 This finding is made without prejudice to the defendant's right to seek review of his detention, or  
 17 including identifying a viable proposed surety/custodian  
 18 to file a motion for reconsideration if circumstances warrant it.<sup>^</sup>

19 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

20 1. The defendant be, and hereby is, committed to the custody of the Attorney General for  
 21 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
 22 sentences or being held in custody pending appeal;

23 2. The defendant be afforded reasonable opportunity for private consultation with counsel;  
 24 and

25 3. On order of a court of the United States or on request of an attorney for the government,  
 26 the person in charge of the corrections facility in which the defendant is confined shall deliver the  
 27 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a  
 28 court proceeding.

IT IS SO ORDERED.

DATED: March 4, 2024



HON. PETER H. KANG  
 United States Magistrate Judge